

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

IN THE MATTER OF

Bennett Mullins
Melissa Mullins
Ralph Mullins
Kimberly Mullins
Don Vandergriff
William Shane Vandergriff
Barbara Jean Hill

Respondents

V&V Mining PCB Site
Big Stone Gap, Virginia

Facility

Proceeding Under Section 106(a)
of the Comprehensive Environmental
Response, Compensation, and
Liability Act of 1980, as amended,
42 U.S.C. § 9606(a)

Docket No. CERC-03-2006-
0275DC

ADMINISTRATIVE ORDER

FOR INSTITUTIONAL CONTROLS AND ACCESS

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ATTACHMENT A: INDEX TO THE ADMINISTRATIVE RECORD

ATTACHMENT B: TITLE NOTICE

ATTACHMENT C: DEED BETWEEN J.W. AND MAE FIELDS AND LILLIE MAE
VANDERGRIF DATED APRIL 6, 1963

ATTACHMENT D: DEED BETWEEN BENJAMIN M. PLATNICK ET AL. AND LILLIE
MAE VANDERGRIF DATED SEPTEMBER 3, 1960

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**Docket No. CERC-03-2006-
0275DC**

ADMINISTRATIVE ORDER

FOR INSTITUTIONAL CONTROLS AND ACCESS

I. JURISDICTION

1. This Administrative Order ("Order"), concerning the V&V Mining PCB Site ("Site"), in Big Stone Gap, Wise County, Virginia, is issued to Bennett Mullins, Melissa Mullins, Ralph Mullins, Kimberly Mullins, Don Vandergriff, William Shane Vandergriff, and Barbara Jean Hill (hereinafter collectively referred to as the "Respondents") by the United

States Environmental Protection Agency ("EPA") under the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9606(a). This authority was delegated to the Administrator of EPA on January 23, 1987, by Executive Order No. 12580 (52 Fed. Reg. 2923, January 29, 1987), was further delegated to the EPA Regional Administrators on September 13, 1987, by EPA Delegation No. 14-14-B and was further delegated to the Director, Hazardous Site Cleanup Division on November 7, 2003.

II. PARTIES BOUND

2. This Order is issued to Bennett Mullins, Melissa Mullins, Ralph Mullins, Kimberly Mullins, Don Vandergriff, William Shane Vandergriff, and Barbara Jean Hill.
3. This Order shall apply to and be binding upon Respondents and their agents, heirs, successors and assigns.
4. No change in the corporate or partnership status of any of the Respondents shall in any way alter, diminish, or otherwise affect the obligations and responsibilities of Respondents under this Order.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

5. The following facts are a synopsis of information contained in the Administrative Record supporting issuance of this Order. That Administrative Record is incorporated by reference as if fully set forth herein. The Index to the Administrative Record is attached to this Order as Attachment A.
6. The Site consists of approximately 8 acres of land located in Big Stone Gap, Wise County, Virginia, and contains an abandoned recycling facility for industrial mining parts and supplies. Respondents are the current owners of a 3.97-acre parcel within the Site ("Parcel B"). Other portions of the Site are owned by Don Vandergriff, Q-DEE, Inc. and CSX Transportation, Inc., respectively.
7. Parcel B is comprised of two properties which were conveyed to Lillie Mae Vandergriff through two separate deeds. A legal description of Parcel B can be found in Attachments C and D. After Lillie Mae Vandergriff's death in May 2000, ownership of Parcel B was transferred to Respondents, as well as to Don Vandergriff, William Shane Vandergriff, and Barbara Jean Hill.
8. Parcel B is located within an area EPA designated as the V&V Mining PCB Site.
9. V & V Mining Supply, Inc. is believed to have operated a mining supply business at the

Site beginning in or around April 1963. Based on interviews with local residents and town officials, EPA believes that in the 1970s, copper was extracted from electrical equipment and lead was reclaimed from batteries on the Site. In the 1990s, the Site was operated as a scrap metal/junk yard.

10. On May 1, 2001, EPA determined that imminent and substantial threats to public health, welfare or the environment existed at the Site because of the potential for uncontrolled releases of lead and polychlorinated biphenyls ("PCBs"). Lead was found in soils throughout the Site at levels ranging from 128 parts per million ("ppm") to above 92,600 ppm. PCB levels in Site soils ranged from 39 milligrams per kilogram ("mg/kg") to 220 mg/kg. In addition, the floors of an on-Site Incinerator Building and Garage were also contaminated with lead at levels above 400 ppm and with low levels of PCBs.
11. The substances listed in Paragraph 10 above are hazardous substances within the meaning of Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), and are identified as such at 40 C.F.R. § 302.4.
12. On May 1, 2001, EPA initiated an emergency Removal Action to perform the immediate actions needed to stabilize the Site. Subsequently, EPA completed the following additional response actions at the Site:
 - relocated non-hazardous scrap metal to clean areas of the Site;
 - excavated approximately 9,200 tons of soil that contained lead levels in excess of 400 ppm, and disposed of these soils off-Site;
 - backfilled excavated areas with clean fill and/or rock or gravel and planted the backfilled areas with suitable ground cover vegetation;
 - removed PCB-contaminated oil from approximately 50 transformers;
 - graded the Site to facilitate drainage;
 - performed on-Site analysis of post-excavation areas using XRF technology;
 - installed warning markers in excavated areas to prevent future digging in these areas;
 - decontaminated PCB-contaminated floors in the Incinerator Building.
13. On November 15, 2002, EPA and its contractors demobilized from the Site. No further EPA involvement is expected at the Site at this time. However, lead soil levels 400 ppm

remain in Site soils located at a depth of 3 or more feet; lead soil levels less than 400 ppm remain in surface soils to soils located at a depth of 3 feet or less.

14. Lead has been classified as a Group B2 probable human carcinogen. Oral exposure to lead salts, primarily phosphates and acetates, has caused kidney tumors in laboratory animals. Additionally, children who are exposed to lead-based paint chips, lead-bearing dusts, or soils contaminated with lead, may experience elevated blood-lead levels. Some elevations may be significant enough to cause clinical illness. Changes in the levels of certain blood enzymes and changes in neurobehavioral development may occur at blood-lead levels so low as to be essentially without threshold. Developmental toxicity, which has effects upon growth, IQ, and hearing, may occur at blood-lead levels at or below 10 Fg/dL.
15. In June and October 2005, EPA sent letters to Respondents asking Respondents if they would voluntarily perform the activities required by this Order. To date, Respondents have either not responded to EPA or reversed their initial consent to perform the activities voluntarily.
16. The V&V Mining PCB Site is a "facility" as defined in Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
17. Each Respondent is a "person" within the meaning of Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
18. Respondents are "owners" of Parcel B, within the meaning of Section 101(20)(A) of CERCLA, 42 U.S.C. § 9601(20)(A), and therefore liable pursuant to Section 107(a)(1) of CERCLA, 42 U.S.C. § 9607(a)(1). Respondents are jointly and severally liable for carrying out the provisions of this Order.
19. "Hazardous substances," as that term is defined in Section 101(14) of CERCLA, 42 U.S.C. § 9601(14), have been disposed of, deposited, stored, placed, or have otherwise come to be located on, and remain at, the Site.
20. The presence of hazardous substances at the Site and the past, present, and/or potential migration of hazardous substances from the Site constitutes an actual and/or threatened "release" as defined in Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

IV. DETERMINATIONS

21. EPA has determined, pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606, that actual or threatened releases of hazardous substances from this Site, if not addressed by performing the activities required by this Order, may present an imminent and substantial endangerment to the public health or welfare or the environment.

V. NOTICE TO THE STATE

22. Notice of issuance of this Order has been given to the Commonwealth of Virginia (the "State") pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

VI. DEFINITIONS

23. "Calendar days" as used in this Order shall mean every day of the week, including Saturdays, Sundays and federal holidays.
24. "Parcel B" means the 3.97-acre parcel owned by Don Vandergriff, Barbara Jean Hill, William Shane Vandergriff, Bennett Mullins, Melissa Mullins, Ralph Mullins, and Kimberly Mullins and located within the Site in Big Stone Gap, Wise County, Virginia.
25. "Work" shall mean the activities conducted by EPA at the Site as referred to in Paragraph 12, above.
26. All terms not defined herein shall have the meanings set forth in CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan, as amended, ("NCP"), 40 C.F.R. Part 300.

VII. GENERAL PROVISIONS

27. All actions and activities carried out by the Respondents pursuant to this Order shall be performed in accordance with all applicable Federal and state laws and regulations, including CERCLA and the NCP.
28. This Order is not, and shall not be construed to be, a permit issued pursuant to any Federal, state, or local statute or regulation.
29. In the event EPA determines that any Respondent has failed to implement any provision of the requirements of this Order in an adequate or timely manner, or has otherwise violated this Order, EPA may exercise any and all rights it may have, including but not limited to, those expressly reserved in Section XII of this Order.

VIII. INSTITUTIONAL CONTROLS, DUE CARE, ACCESS AND COOPERATION

30. Commencing on the effective date of this Order and continuing thereafter, Respondents shall not disturb the surface of Parcel B by digging, filling, drilling, burial, excavation, or removal of soil, rock, or minerals at a depth of three (3) feet or greater without first obtaining prior written approval from EPA, and subsequent compliance with conditions determined by EPA.

determined by EPA.

31. Commencing on the effective date of this Order and continuing thereafter, Respondents shall immediately inform EPA by telephone and by writing within three (3) days if anything happens to adversely impact the Work completed by EPA at the Site, as defined in Section VI, Paragraph 25, above. Said notice shall be given to Mr. Mark Bolender, as listed in Paragraph 36.
32. Commencing on the effective date of this Order and continuing thereafter, Respondents shall not install, or allow to be installed, any public or domestic drinking water supply wells on Parcel B.
33. Respondents shall file the Title Notice, attached as Attachment B, within thirty (30) calendar days of the effective date of this Order with the Recorder of Deeds for Wise County, Virginia, and any other office where land ownership and transfer records are maintained for Parcel B. Within thirty (30) calendar days after the date that the Title Notice is filed with the Recorder of Deeds, Respondents shall provide EPA, at the address listed in Section IX, below, with a certified true and correct copy of said instrument and its recording reference.
34. Commencing on the effective date of this Order and continuing thereafter, Respondents shall include in any instrument conveying any interest in any portion of Parcel B including, but not limited to, deeds, leases and mortgages, a Disclosure in the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO A NOTICE OF INSTITUTIONAL CONTROLS, DUE CARE, ACCESS AND COOPERATION AND THE TERMS, CONDITIONS AND RESTRICTIONS CONTAINED THEREIN, DATED _____. THE NOTICE OF INSTITUTIONAL CONTROLS, DUE CARE, ACCESS AND COOPERATION WAS RECORDED ON _____ IN THE RECORDER OF DEEDS OFFICE IN WISE COUNTY, VIRGINIA IN BOOK ___, PAGE _____. IN ADDITION, THE OWNERS OF THE INTEREST CONVEYED HEREBY ARE SUBJECT TO AN ADMINISTRATIVE ORDER, DOCKET NO. CERC-03-2006-0275DC, AND THE TERMS, CONDITIONS AND RESTRICTIONS CONTAINED THEREIN. THE ADMINISTRATIVE ORDER CAN BE OBTAINED FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AT EPA REGION III, 1650 ARCH STREET, PHILADELPHIA, PENNSYLVANIA 19103.

Within thirty (30) calendar days after the date any such instrument of conveyance is executed, Respondents shall provide EPA, at the address listed in Section IX, below, with a certified true and correct copy of said instrument and, if it has been recorded in the public land records, its recording reference.

Parcel B for the purpose of conducting any activity related to the Work, including but not limited to, the following activities:

1. verifying any data or information submitted to EPA and/or the State;
2. conducting investigations relating to contamination at, near or from Parcel B, including the collection of environmental samples;
3. assessing the need for, planning, or implementing additional Response Actions at, near or from Parcel B; and
4. determining whether Parcel B or other property is being used in a manner that is prohibited or restricted by this Order.

IX. SUBMISSIONS

36. All submissions required by this Order shall be mailed to:

Mark Bolender (3RC43)
US EPA, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
Telephone: 215/814-2642
E-mail: bolender.mark@epa.gov

37. Failure to submit the recorded Notice or any other notice required herein or to otherwise comply with the requirements of this Order shall constitute a violation of this Order.
38. EPA shall have the final decision regarding the sufficiency or acceptability of any activities performed pursuant to this Order.

X. FAILURE TO PERFORM

39. In the event of an inability or anticipated inability on the part of Respondents or any individual Respondent to perform any of the actions required by this Order in the time and/or manner required herein, Respondent(s) shall notify EPA orally within forty-eight (48) hours of such event and in writing as soon as possible, but not more than ten (10) days after Respondent(s) knew or should have known about such event. Such notice shall set forth the reason(s) for, and the expected duration of, the inability to perform; the actions taken and to be taken by Respondent(s) to avoid and mitigate the impact of such inability to perform; and the proposed schedule for completing such actions. Such notification shall not relieve Respondent(s) of any obligation of this Order.
40. Any delay in performance of the requirements of this Order that, in EPA's judgment, is not properly justified by Respondent(s) under the terms of this Section X shall be

considered a violation of this Order.

41. Any delay in performance of the requirements of this Order or inability to perform any action required by this Order shall not affect the obligation of Respondents to fully perform all activities required under the terms and conditions of this Order.
42. Failure of Respondent(s) to carry out any requirement of this Order in accordance with the terms and conditions specified herein may result in an action to recover statutory penalties of up to \$32,500 per day and treble damages pursuant to CERCLA and/or the initiation of an enforcement action against Respondent(s) to require Respondent(s) to perform such actions, in addition to any other relief that may be available to EPA pursuant to applicable law.
43. Nothing in this Section X or any other provision of this Order shall be construed to limit any powers EPA may have under CERCLA, the NCP, or any other law or regulation.

XI. NON-LIABILITY OF EPA

44. By issuance of this Order, EPA assumes no liability for any injuries or damages to persons or property resulting from acts or omissions of the Respondents or their employees, agents, representatives, successors, assigns, contractors, subcontractors, or consultants in carrying out any action or activity pursuant to this Order. Neither EPA nor the United States shall be held out to be, or be considered, a party to any contract entered into by the Respondents or their directors, officers, employees, agents, successors, assigns, contractors, subcontractors, or consultants in carrying out any action or activity required by this Order.

XII. ENFORCEMENT AND EPA'S RESERVATION OF RIGHTS

45. EPA reserves all rights, claims, interests, and defenses it has under CERCLA or any other law or in equity. Nothing herein shall be construed to prevent EPA from seeking legal or equitable relief to enforce the terms of this Order, to seek injunctive relief, and/or to seek the imposition of statutory penalties or punitive damages.

XIII. EFFECT OF ORDER/INVALIDATION OF A PROVISION

46. Nothing herein shall constitute or be construed as a satisfaction or release from liability of the Respondents or any other person.
47. This Order does not constitute any decision on pre-authorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).
48. Invalidation of any provision or requirement of this Order shall not affect the validity of

any other provision or requirement of this Order.

XIV. EFFECTIVE DATE AND OPPORTUNITY TO CONFER

49. This Order is deemed issued on the date it is signed by the Director of the Hazardous Site Cleanup Division of EPA Region III. This Order shall become effective fifteen (15) calendar days following the date of issuance of the Order, unless a conference is requested pursuant to Paragraph 50, below. If such a conference is timely requested, this Order shall become effective three (3) calendar days following the date the conference is held, unless the effective date is modified by EPA.
50. Not later than ten (10) calendar days from the date of issuance of this Order, the Respondents may request a conference with EPA to discuss the scope and applicability of this Order, the findings upon which this Order is based, the appropriateness of any action or activity required to be undertaken hereby, or other issues directly relevant to issuance of this Order. Such a conference is not, and shall not be deemed to be, an adversarial hearing or part of a proceeding to challenge this Order, and no official stenographic record of such proceeding shall be kept. Any request for a conference within the prescribed time frame shall be made to:

Mark Bolender (3RC43)
Assistant Regional Counsel
U.S. Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103-2029
Telephone: (215) 814-2642
Fax: (215) 814-2603

XV. ADMINISTRATIVE RECORD

51. The Administrative Record compiled in support of this Order may be reviewed at the EPA Region III offices by contacting Mark Bolender, at the telephone number and address listed above. The Index to the Administrative Record supporting this Order is set forth in Attachment A, attached hereto.

XVI. MODIFICATIONS

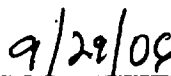
51. The provisions of this Order may be modified at any time, in writing, solely by the Division Director, Hazardous Site Cleanup Division, EPA Region III.

IT IS SO ORDERED.



ABRAHAM FERDAS

Director, Hazardous Site Cleanup Division
U.S. Environmental Protection Agency
Region III



DATE

V&V MINING PCB SITE
UNILATERAL ADMINISTRATIVE ORDER
ADMINISTRATIVE RECORD FILE
INDEX OF DOCUMENTS *

1. Deed between Mr. Benjamin Platnick et al, and Ms. Lillie Mae Vandergriff, 9/3/60. P.
2. Deed between Mr. J.W. Fields and Ms. Mae Fields, and Ms. Lillie Mae Vandergriff, 4/6/63. P.
3. Memorandum to Ms. Marianne Horinko, U.S. EPA, from Mr. Abraham Ferdas, U.S. EPA, re: Approval of a Request for Additional Funding and Exemption from the 12 Month and \$2 Million Statutory Limits for a Removal Action, 5/30/02. P. A May 30, 2002 memorandum to Mr. Donald Welsh, U.S. EPA, from Mr. Robert Kelly, U.S. EPA, re: Request for Additional Funding and Exemption from the 12 Month and \$2 Million Statutory Limits for a Removal Action, is attached.
4. Letter to Ms. Karen Sismour, Virginia Department of Environmental Quality (VDEQ), from Mr. Abraham Ferdas, U.S. EPA, re: Notice of intent to issue an Unilateral Administrative Order for Institutional Controls and Access, 9/28/06. P.
5. List of Heirs filed with the Circuit Court for the County of Wise and City of Norton, (undated). P.

* Administrative Record File available / / .

Wise County Tax Assessor's Office Parcel Number: _____

Address: Big Stone Gap, Wise County, Virginia

Prepared by: U.S. Environmental Protection Agency, Region III
1650 Arch Street
Philadelphia, PA 19103-2029

**NOTICE OF INSTITUTIONAL CONTROLS, DUE CARE,
ACCESS AND COOPERATION**

This Notice of Institutional Controls, Due Care, Access and Cooperation ("Notice") is made this _____ day of _____ 2006, by Don Vandergriff; Barbara Jean Hill; William Shane Vandergriff; Bennett Mullins; Melissa Mullins; Ralph Mullins, and Kimberly Mullins (hereinafter collectively referred to as the ("Owners")).

I. **RECITALS**

WHEREAS, Owners are the owners of real property ("Property"), which is located in Big Stone Gap, Wise County, Virginia, and legally described in Exhibits A and B;

WHEREAS, the Property is located within an area designated as the V&V Mining PCB Site ("Site");

WHEREAS, EPA determined that imminent and substantial threats to public health, welfare or the environment existed at the Site because of the potential for uncontrolled releases of lead and polychlorinated biphenyls ("PCBs"), and, therefore on May 1, 2001, EPA initiated an emergency Removal Action pursuant to Section 104 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, ("CERCLA"), 42 U.S.C. Section 9604 to perform the immediate actions needed to address actual and threatened releases of hazardous substances at the Property;

WHEREAS, EPA has completed that Removal Action;

WHEREAS, lead soil levels 400 parts per million ("ppm") remain in Site soils located at a depth of 3 or more feet, and lead soil levels less than 400 ppm remain in surface soils to soils located at a depth of 3 feet or less;

WHEREAS, on September 29, 2006, EPA Region III issued a Unilateral Administrative Order to Owners, Docket No. CERC- 03-2006-0275DC (the "Order"), requiring the Owners to file this Notice;

NOW, THEREFORE, intending to fulfill the terms of the Order, the Owners file this Notice by which the Property is subject to the advisories set forth below.

DECLARATION OF INSTITUTIONAL CONTROLS, DUE CARE, ACCESS,
COOPERATION AND RESERVATIONS

1. Purpose: It is the purpose of this instrument to provide notice to all successors-in-title ~~that~~ the Property was the subject of an EPA response action, and that federal, state, and local laws which address hazardous substances and/or the integrity or protectiveness of response actions may apply to this Property. The purpose of this instrument is also to recite herein the Owners' obligations to comply with the terms of the Order.

2. Restrictions on Use: The following advisory applies to the use of the Property:

There are hazardous substances in the form of lead and PCB contaminated soil located beneath portions of the Property. The hazardous substances have been covered with permeable clean fill material, soil and grass cover.

Digging, filling, drilling, burial, excavation, or removal of rock or minerals to a depth of three (3) feet or greater shall not occur in any manner without first obtaining prior written approval from EPA, and subsequent compliance with proper precautions determined by EPA.

Failure to comply with these "Restrictions on Use" could result in a successor-in-title losing status as a bona fide prospective purchaser ("BFPP"), as defined in Section 101(40) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. § 9601(40), and any protection afforded by EPA's "Policy Towards Owners of Residential Property at Superfund Sites," dated July 3, 1991 (OSWER Directive #9834.6). In order to maintain one's status as a BFPP, an owner must, among other things, provide notice, care, cooperation, assistance, access and institutional controls as required by 42 U.S.C. § 9601(40)(C) through (F).

Failure to comply with these "Restrictions on Use" could also result in exacerbation of contamination, and risk to human health and the environment.

3. Right of Entry provided by Law or Regulation: Nothing in this document shall limit or otherwise affect EPA's rights of entry and access provided by law or regulation.

4. No Public Access and Use: This instrument does not grant any right of access or use to any portion of the Property to the general public.

5. Notice requirements: Owners are required to include in any instrument conveying any interest in any portion of the Property including, but not limited to, deeds, leases and mortgages, a Disclosure which is in substantially the following form:

THE INTEREST CONVEYED HEREBY IS SUBJECT TO A NOTICE OF INSTITUTIONAL CONTROLS, DUE CARE, ACCESS AND COOPERATION AND THE TERMS, CONDITIONS AND RESTRICTIONS CONTAINED THEREIN, DATED _____. THE NOTICE OF INSTITUTIONAL CONTROLS, DUE CARE, ACCESS AND COOPERATION WAS RECORDED ON _____ IN THE RECORDER OF DEEDS OFFICE IN WISE COUNTY, VIRGINIA IN BOOK ___, PAGE _____. IN ADDITION, THE OWNERS OF THE INTEREST CONVEYED HEREBY IS SUBJECT TO A UNILATERAL ADMINISTRATIVE ORDER, DOCKET NO. CERC-03-2006-0275DC, AND THE TERMS, CONDITIONS AND RESTRICTIONS CONTAINED THEREIN. THE ADMINISTRATIVE CONSENT ORDER CAN BE OBTAINED FROM THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

Within thirty (30) days after the date any such instrument of conveyance is executed, Owners shall provide EPA with a certified true copy of said instrument and, if it has been recorded in the public land records, its recording reference.

6. Notice to Parties: Any notice, demand, request, consent, approval, or communication that either EPA or the Owners desire or is required to give to the other shall be in writing and shall either be served personally or sent by first class mail, postage prepaid, addressed as follows:

To Owners:

Don Vandergriff
11636 Highland Terrace
Fairfax, Virginia 22030

Barbara Jean Hill
245 Riverview Ave.
Dundalk, Maryland 21222

William Shane Vandergriff
1420 Shawnee Ave.
Big Stone Gap, Virginia 24219-3230

Bennett Mullins
75 West Bury Parkway
Bluffton, South Carolina 29910

Melissa Mullins
106 Conductor Court
Summerville, South Carolina 29483

Ralph Mullins
209 Janice Street
Goose Creek, South Carolina 29445

Kimberly Mullins
I/C/O Ralph Mullins
209 Janice Street
Goose Creek, South Carolina 29445

To EPA:

Robert F. Kelly (3HS31)
On-Scene Coordinator
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029
RE: V&V Mining PCB Site

and

Mark Bolender (3RC43)
Assistant Regional Counsel
United States Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029
RE: V&V Mining PCB Site

IN WITNESS WHEREOF, Don Vandergriff; Barbara Jean Hill; William Shane Vandergriff; Bennett Mullins; Melissa Mullins; Ralph Mullins, and Kimberly Mullins, the Grantors herein, has executed the foregoing Declaration this ____ day of _____, 2006.

DON VANDERGRIFF

BARBARA JEAN HILL

WILLIAM SHANE VANDERGRIFF

BENNETT MULLINS

MELISSA MULLINS

RALPH MULLINS

KIMBERLY MULLINS

COMMONWEALTH OF VIRGINIA

:SS.

WISE COUNTY

BE IT REMEMBERED that on this day of , 2006 A.D.
personally came before me, the Subscriber, Notary Public for the Commonwealth and
County aforesaid, Don Vandergriff; Barbara Jean Hill; William Shane Vandergriff; Bennett
Mullins; Melissa Mullins; Ralph Mullins, and Kimberly Mullins, Declarants in the foregoing
Declaration of Institutional Controls, Due Care, Access and Cooperation, and he
acknowledged this Declaration to be his duly authorized act and deed.

GIVEN under my Hand and Seal of office the day and year aforesaid.

Notary Public

Exhibit A

378
360

WITNESSES County of West Virginia
19th day of
December 63 11:30 A.M.
Being properly stamped
19th December 1963
Deed 378 359

By *[Signature]* D.C.

11413

J. W. Fields, et ux

To: Deed

Lillie Mae Vandergriff

COMPALED WITH 1:1

1364

11.64

THIS DEED made and entered into on this the 6th day of April, 1963, by and between J. W. Fields and Mae Fields, his wife, parties of the first part and Lillie Mae Vandergriff, party of the second part

WITNESSETH:

Whereas by Deed of August 3, 1929, the same recorded in Deed Book 195 at page 283 the parties of the first part did convey a certain tract of land to Flatnick Brothers, Inc. and whereas in the description set forth in the deed or deeds to Flatnick Brothers, Inc. it was intended that certain small tracts of land adjacent to the land conveyed by the aforesaid deed be conveyed by the aforesaid deed but the description of said deed or deeds conveying said land to Flatnick Brothers, Inc. failed to convey all of the land that was intended to be conveyed.

Now therefore, that for and in consideration of the sum of \$1.00, cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties of the first part do hereby grant, bargain, sell and convey unto the said party of the second part, with covenants of general warranty of title, all of those certain plats or parcels of land combined into one description and situated, lying and being in or near the Town of Big Stone Gap, Wise County, Virginia, and being a portion of what is known as the Furnace Tract and which is more particularly described and bounded as follows, to-wit:

BEGINNING at a point on the Eastern right-of-way line of the L & N Railroad and at the Northwest extremity of property formerly owned by the Inter-mong Coal and Iron Company; thence S 33 28 E 75.00' to a stake; thence S 43 40 E 149.28' to a stake; thence S 73 58 E 146.71' to a stake; thence N 74 32 E 142.12' to a stake; thence N 68 42 E 60.69' to a stake; thence S 27 02 E 51.30' to a stake; thence S 4 36 E 60.66' to a stake; thence S 45 13 E 61.66' to a stake; thence S 88 00 E 24.57' to a stake; thence S 1 27 E 24.13' to a stake; thence S 7 58 W 356.16' to a stake; thence S 63 39 W 135.43' to a stake on the Eastern right-of-way line of the L & N Railroad; thence with the Eastern right-of-way line of the L & N Railroad N 39 00 W 48.85' to a stake; thence N 34 10 W 123.50' to a stake; thence N 30 30 W 68.10' to a stake; thence N 26 15 W 616.20' to the BEGINNING containing 3.97 acres more or less.

Being a part of that same tract or parcel of land conveyed to John W. Fields by S. M. Fulton, Special Commissioner by deed of August 11, 1930.

It being understood between the parties hereto that the aforesaid description is subject to survey and shall not deprive any person who has heretofore

taken as grantees from J. W. Fields property by metes and bounds description.

TO HAVE AND TO HOLD the above described parcel or tract of land, together with the hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the said Lillie Mae Vandergriff, her heirs and assigns, in fee simple forever.

Witness the signatures and seals of the parties of the first part on this the day and year first above written.

John W. Fields SEAL

Mae Fields SEAL

STATE OF TENNESSEE
COUNTY OF SULLIVAN

I, Barbara Jean Tipton, a Notary Public in and for the state and county aforesaid do hereby certify that John W. Fields and Mae Fields, his wife, whose names are signed to the foregoing and annexed Deed dated the 6th day of April, 1963, have each personally appeared before me in my county aforesaid and acknowledged the same for the purposes therein contained.

My Commission Expires: Sept. 6, 1966.

Given under my hand this the 16th day of December, 1963.

Barbara Jean Tipton, Notary Public

RECORDED IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY OF WISE, VIRGINIA
December 63 4:00 P.
Being properly stamped
20th December 1963
Deed 378 360.00

By *[Signature]* D. Clerk

11414

Mountain Trust Bank

To: Assignment of Deed of Trust
The First National Bank of Bluefield

FOR VALUE RECEIVED, Mountain Trust Bank, Roanoke, Virginia, does hereby grant, sell, assign, transfer and set over unto The First National Bank of Bluefield, Bluefield, West Virginia, all of its right, title and interest in and to that certain Deed of Trust with the benefits and privileges thereby created, executed by Fralin and Waldron, Incorporated, (Grantors), to A. T. Lloyd of Roanoke County, Virginia, Trustee, dated June 14, 1963, recorded in the Office of the Clerk of the Circuit Court for the County of Wise, State of Virginia, in Deed Book 375, page 65, securing note of even date with Deed of Trust, executed by Grantors in the principal sum of \$100,000.00, payable to Legal Holder at The First

See Release Deed
Book 492 Page 666
D. Clerk
2-11-77

DEED

ORIGINAL 6th DAY
OF Oct. 1960

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pg 263

LILLIE MAE VANDERGRIFF

THIS DEED Made and entered into this 3rd day of September, 1960, by and between BENJAMIN M. PLATNICK and SADIE PLATNICK, his wife, NATHAN PLATNICK and EDNA PLATNICK, his wife, DAVID M. PLATNICK and GERTRUDE L. PLATNICK, his wife, parties of the first part, and LILLIE MAE VANDERGRIFF, party of the second part.

W I T N E S S E T H

That for and in consideration of the sum of One Thousand (\$1000.00) Dollars, cash in hand paid, the receipt of which is hereby acknowledged, the parties of the first part do hereby grant, bargain, sell and convey unto the party of the second part, with covenants of general warranty of title, all that certain lot, tract or parcel of land situate and being in the Town of Big Stone Gap, Wise County, Virginia, and being a portion of what is known as the Furnace Tract and which is more particularly described and bounded as follows, to-wit:

BEGINNING at a stake in East line of Louisville & Nashville Railroad Company's right-of-way, and corner of the Big Stone Gap Land Company, and with the line of the Big Stone Gap Land Company & Salley E. Lane, N 65° 07' E 300 feet to a stake in line of said Salley E. Lane; thence leaving her line, in a southeasterly direction to a stake, agreed upon between said J. W. Fields and Platnick Brothers, Inc., thence S. 08° 50' 356.16 feet to an iron spike on north side of the road, thence S 64° 31' 135.43 feet to a stake in the east line of the Louisville & Nashville Railroad Company right of way, thence with said right of way line curving to the right, a distance of 258.15 feet to point of tangent, thence with said tangent N 25° 23' W 256.50 feet to the Beginning, containing 2.5 acres, more or less, with 25 feet right of way to Public Road,

Being the same property conveyed to the parties of the first part from Platnick Brothers, Incorporated, by deed dated May 1, 1942, and admitted to record in the office of the Clerk of the Circuit Court of Wise County, Virginia, in Deed Book 243, page 5.

To have and to hold the above described parcel or tract of land, together with the privileges and appurtenances thereunto belonging, or in anywise appertaining, unto the said Lillie Mae Vandergriff, her heirs and assigns forever.

The aforesaid Grantors covenant that they have the right to convey the said land to the aforesaid Grantee; that the said Grantee shall have quiet possession of said land, free from all encumbrances; that they have done no act to encumber the said land; and that they will execute such further assurances of title as may be requisite.

Witness the following signatures and seals.

Benjamin M. Platnick	SEAL
Sadie Platnick	SEAL
Nathan Platnick	SEAL
Edna Platnick	SEAL
David M. Platnick	SEAL
Gertrude L. Platnick	SEAL

378
pg 360

19th
December 63 11:30
Being properly stamped
19th December 1963
Dead 378 359

By *[Signature]* D.C.

11413

J. W. Fields, et ux

To: Dead

Lillia Mae Vandergriff

COMPARED WITH T. 1
1364

THIS DEED made and entered into on this the 6th day of April, 1963, by and between J. W. Fields and Mae Fields, his wife, parties of the first part and Lillia Mae Vandergriff, party of the second part

W I T N E S S E T H:

Whereas by Deed of August 3, 1929, the same recorded in Deed Book 195 at page 283 the parties of the first part did convey a certain tract of land to Platnick Brothers, Inc. and whereas in the description set forth in the deed or deeds to Platnick Brothers, Inc. it was intended that certain small tracts of land adjacent to the land conveyed by the aforesaid deed be conveyed by the aforesaid deed but the description of said deed or deeds conveying said land to Platnick Brothers, Inc. failed to convey all of the land that was intended to be conveyed.

Now therefore, that for and in consideration of the sum of \$1.00, cash in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, the parties of the first part do hereby grant, bargain, sell and convey unto the said party of the second part, with covenants of general warranty of title, all of those certain plats or parcels of land combined into one description and situate, lying and being in or near the Town of Big Stone Gap, Wise County, Virginia, and being a portion of what is known as the Furnace Tract and which is more particularly described and bounded as follows, to-wit:

BEGINNING at a point on the Eastern right-of-way line of the L & N Railroad and at the Northwest extremity of property formerly owned by the Inter-mong Coal and Iron Company; thence S 33 28 E 75.00' to a stake; thence S 43 40 E 149.28' to a stake; thence S 73 38 E 146.71' to a stake; thence N 74 32 E 142.12' to a stake; thence N 68 42 E 60.69' to a stake; thence S 27 03 E 51.30' to a stake; thence S 4 36 E 60.66' to a stake; thence S 43 13 E 61.66' to a stake; thence S 88 00 E 24.37' to a stake; thence S 1 27 E 24.13' to a stake; thence S 7 58 W 356.16' to a stake; thence S 63 39 W 135.43' to a stake on the Eastern right-of-way line of the L & N Railroad; thence with the Eastern right-of-way line of the L & N Railroad N 39 00 W 48.85' to a stake; thence N 34 10 W 123.50' to a stake; thence N 30 30 W 68.10' to a stake; thence N 26 15 W 616.20' to the BEGINNING containing 3.97 acres more or less.

Being a part of that same tract or parcel of land conveyed to John W. Fields by E. M. Fulton, Special Commissioner by deed of August 11, 1930.

It being understood between the parties hereto that the aforesaid description is subject to survey and shall not deprive any person who has heretofore

taken as granted from J. W. Fields property by metes and bounds description.

TO HAVE AND TO HOLD the above described parcel or tract of land, together with the hereditaments and appurtenances thereunto belonging or in anywise appertaining, unto the said Lillie Mae Vandergriff, her heirs and assigns, in fee simple forever.

Witness the signatures and seals of the parties of the first part on this the day and year first above written.

John W. Fields

SEAL

Mae Fields

SEAL

STATE OF TENNESSEE

COUNTY OF SULLIVAN

I, Barbara Jean Tipton, a Notary Public in and for the state and county aforesaid do hereby certify that John W. Fields and Mae Fields, his wife, whose names are signed to the foregoing and annexed Deed dated the 6th day of April, 1963, have each personally appeared before me in my county aforesaid and acknowledged the same for the purposes therein contained.

My Commission Expires: Sept. 6, 1966.

Given under my hand this the 16th day of December, 1963.

Barbara Jean Tipton, Notary Public

19th day
December 63 4:00 P.
Being properly stamped
20th December 1963
Read 378 360.00

By *[Signature]* D.C.

11416

Mountain Trust Bank

To: Assignment of Deed of Trust
The First National Bank of Bluefield

FOR VALUE RECEIVED, Mountain Trust Bank, Roanoke, Virginia, does hereby grant, sell, assign, transfer and set over unto The First National Bank of Bluefield, Bluefield, West Virginia, all of its right, title and interest in and to that certain Deed of Trust with the benefits and privileges thereby created, executed by Fralin and Waldron, Incorporated, (Grantors), to A. T. Loyd of Roanoke County, Virginia, Trustee, dated June 14, 1963, recorded in the Office of the Clerk of the Circuit Court for the County of Wise, State of Virginia, in Deed Book 375, page 65, securing note of even date with Deed of Trust, executed by Grantors in the principal sum of \$10,000.00, payable to Legal Holder at The First

See Release Deed
Book 492 Page 666
2-11-77

DEED

ORIGINAL 60 DAY
Of Oct. 1960

LILLIE MAE VANDERGRIFF

THIS DEED Made and entered into this 3rd day of September, 1960, by and between BENJAMIN M. PLATNICK and SADIE PLATNICK, his wife, NATHAN PLATNICK and EDNA PLATNICK, his wife, DAVID M. PLATNICK and GERTRUDE L. PLATNICK, his wife, parties of the first part, and LILLIE MAE VANDERGRIFF, party of the second part.

W I T N E S S E T H

That for and in consideration of the sum of One Thousand (\$1000.00) Dollars, cash in hand paid, the receipt of which is hereby acknowledged, the parties of the first part do hereby grant, bargain, sell and convey unto the party of the second part, with covenants of general warranty of title, all that certain lot, tract or parcel of land situate and being in the Town of Big Stone Gap, Wise County, Virginia, and being a portion of what is known as the Furnace Tract and which is more particularly described and bounded as follows, to-wit:

BEGINNING at a stake in East line of Louisville & Nashville Railroad Company's right-of-way, and corner of the Big Stone Gap Land Company, and with the line of the Big Stone Gap Land Company & Salley E. Lane, N 65° 07' E 300 feet to a stake in line of said Salley E. Lane; thence leaving her line, in a southeasterly direction to a stake, agreed upon between said J. W. Fields and Platnick Brothers, Inc., thence S. 08° 50' 356.16 feet to an iron spike on north side of the road, thence S 64° 31' 135.43 feet to a stake in the east line of the Louisville & Nashville Railroad Company right of way, thence with said right of way line curving to the right, a distance of 258.15 feet to point of tangent, thence with said tangent N 25° 23' W 256.50 feet to the Beginning, containing 2.5 acres, more or less, with 25 feet right of way to Public Road,

Being the same property conveyed to the parties of the first part from Platnick Brothers, Incorporated, by deed dated May 1, 1942, and admitted to record in the office of the Clerk of the Circuit Court of Wise County, Virginia, in Deed Book 243, page 5.

To have and to hold the above described parcel or tract of land, together with the privileges and appurtenances thereunto belonging, or in anywise appertaining, unto the said Lillie Mae Vandergriff, her heirs and assigns forever.

The aforesaid Grantors covenant that they have the right to convey the said land to the aforesaid Grantee; that the said Grantee shall have quiet possession of said land, free from all encumbrances; that they have done no act to encumber the said land; and that they will execute such further assurances of title as may be requisite.

Witness the following signatures and seals.

Benjamin M. Platnick	SEAL
Sadie Platnick	SEAL
Nathan Platnick	SEAL
Edna Platnick	SEAL
David M. Platnick	SEAL
Gertrude L. Platnick	SEAL

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